



Chaffee County Commissioners Meeting
January 19, 2021

Due to the COVID-19 pandemic and State and County safer-at-home orders, these minutes have been taken remotely via Zoom meeting. Some County staff, representatives from other governments and government agencies, and others from the public attend, including participating in the public hearing portion of the meeting, remotely via Zoom meeting as well.

A. Call to Order

The regular meeting of the Board of Commissioners was held on January 19, 2021, at the Chaffee County Courthouse. Board members present were Commissioner Keith Baker (remotely), Chairman Greg Felt, Commissioner Rusty Granzella.

Others present in person were Director of General Administration Bob Christiansen, Director of Finance Dan Short, Planning Manager Jon Roorda, Staff Accountant Debbie Fesenmeyer, Communications Director Beth Helmke, and IT Ethan Smith.

Others present remotely were County Attorney Jennifer Davis, Assistant County Attorney Daniel Tom, and Deputy County Clerk Barbara Tidd.

1. Pledge of Allegiance

Following the Pledge of Allegiance, Chairman Felt called the meeting to order at 9:00 a.m.

2. Review Public Meeting List

The Board reviewed the public meeting list.

3. Public Comment

There was no public comment.

B. Minutes for Approval

1. Approve minutes for the January 12, 2021 regular meeting.

Commissioner Granzella moved to approve the minutes of the January 12, 2021 Commissioners' meeting with a change to item F.2. regarding the Bainbridge Heritage Water Subdivision Exemption to state that Commissioner Baker recommended the note for the private sewer line sign.

Commissioner Baker seconded the motion. The motion carried unanimously.

C. Contracts/Grant Consideration

1. Consider contract between Chaffee County and Rue Logging for Methodist Front WVI - Forest and watershed health restoration project, Phase I.

Director Christiansen addressed the Board to consider a contract between Chaffee County and Rue Logging for Methodist Front WVI - Forest and watershed health restoration project, Phase I. Adam Moore with the Colorado State Forest Service spoke. Director Christiansen and Moore responded to Commissioners' questions.

Commissioner Granzella moved to approve the contract between Chaffee County and Rue Logging for Methodist Front WVI - Forest and watershed health restoration project, Phase I in the amount of \$48,297.20 as stated on the contract. Commissioner Baker seconded the motion. The motion carried unanimously.

D. Regular Agenda Items

1. Report from the County Sheriff

Chair Felt addressed the Board regarding the December 2020 Sheriff's report. Director Short responded to Commissioners' questions. Chair Felt questioned some of the numbers on the report.

Commissioner Baker moved to accept the Chaffee County Sheriff's December 2020 report with the understanding that the numbers that Commissioners have questions about will be investigated. Commissioner Granzella seconded the motion. The motion carried unanimously.

2. **9:15 a.m.** - Public Hearings and consideration of recommendations from the January 5th Planning Commission Meeting with regard to the following matter:

****CONTINUANCE REQUESTED TO FEBRUARY 9, 2021** - Name of Project:** Land Use Code Text Amendment - correction to Table 7.7.2 Salida Airport Overlay District **Applicants:** Chaffee County Staff **Request:** Remove existing Section 7.7.2 Airport Overlay District and replace it with proposed new section. Text is available at chaffeecounty.org/Planning and Zoning. Planning Manager Roorda addressed the Board concerning the status and continuance of this matter.

Commissioner Granzella moved to continue the Airport Overlay Land Use Code Text Amendment to February 9, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

****CONTINUANCE REQUESTED TO FEBRUARY 9, 2021** - Name of Project:** Shaw Ranch Major Subdivision Sketch Plan **Applicants:** JTS Development, LLC **Zone:** Rural **Request:** To subdivide approximately 74.3 acres into eight (8) lots ranging in size from 2.4 acres to 36.6 acres. Wells and on-site wastewater treatment systems will serve the property. The property has the 100-year Floodplain associated with Green Creek along County Road 221, and the South Arkansas River on the northern boundary.

Planning Manager Roorda addressed the Board concerning the status and continuance of this matter. Attorney Tom and Manager Roorda responded to Commissioners' questions.

Commissioner Granzella moved to continue the Shaw Ranch Major Subdivision Sketch Plan hearing to February 9, 2021. Commissioner Baker seconded the motion. The motion carried unanimously.

3. Discuss and consider directing the County Attorney's Office to bring enforcement actions for violating LUC Section 7.8.34 (Short Term Rental) against the following properties:
8490 County Road 225, Salida
16725 County Road 289, Salida
14415 County Road 261C, Nathrop
30247 Eagles Ridge, Buena Vista

Attorney Tom addressed the Board and led the discussion to consider bringing enforcement actions for violating LUC Section 7.8.34 (Short Term Rental) against the above-referenced properties.

Attorney Tom summarized actions the County has taken thus far and updated the Commissioners concerning communications and status of these properties. Staff Accountant Debbie Fesenmeyer spoke, particularly concerning the Eagles Ridge property, followed by Attorney Tom. Attorney Tom and Fesenmeyer responded to Commissioners' questions.

Commissioner Baker moved to direct the County Attorney's Office to bring an enforcement action

for violating LUC Section 7.8.34 (Short Term Rental) against 8490 County Road 225, Salida. Commissioner Granzella seconded the motion. The motion carried unanimously.

Commissioner Baker moved to direct the County Attorney's Office to bring an enforcement action for violating LUC Section 7.8.34 (Short Term Rental) against 16725 County Road 289, Salida. Commissioner Granzella seconded the motion. The motion carried unanimously.

Commissioner Baker moved to direct the County Attorney's Office to bring an enforcement action for violating LUC Section 7.8.34 (Short Term Rental) against 14415 County Road 261C, Nathrop. Commissioner Granzella seconded the motion. The motion carried unanimously.

Commissioner Baker moved to direct the County Attorney's Office to bring an enforcement action for violating LUC Section 7.8.34 (Short Term Rental) against 30247 Eagles Ridge, Buena Vista. Commissioner Granzella seconded the motion. The motion carried unanimously.

Discussion ensued regarding short-term rentals in the County.

4. Discussion regarding advisory board to create a Chaffee County Recreation Plan.

Chair Felt addressed the Board and initiated discussion regarding the advisory board to create a Chaffee County Recreation Plan. Attorney Davis brought up questions for the Board's consideration and responded to Commissioners' questions. Discussion ensued.

Legal staff will work with Cindy Williams of Envision Chaffee County and prepare a resolution for the Commissioners' consideration.

By consensus this matter was continued to the February 2, 2021 meeting.

5. Consider submission of county comments on EIS for Uinta Basin railroad proposed by Rio Grande Pacific Corporation. - Commissioner Baker

Commissioner Baker addressed the Board to consider submission of County comments on the Environmental Impact Statement (EIS) for the Uinta Basin Railroad proposed by Rio Grande Pacific Corporation. Commissioner Baker responded to Chair Felt's question. This matter will be discussed again at 1:00 p.m.

When the meeting resumed at 1:00 p.m., Commissioner Baker addressed the Board concerning today's teleconference and presented information regarding this matter. Attorney Davis addressed the Board. Commissioner Baker and Attorney Davis responded to Commissioners' questions. Discussion ensued.

By consensus, Commissioners agreed to submit comments on this matter. Legal staff will prepare a comment letter for Commissioners' consideration.

Chair Felt moved to schedule a special meeting for January 27, 2021 at 8:00 a.m., if needed, for approval of a letter commenting on this matter. Commissioner Granzella seconded the motion. The motion carried unanimously.

Attorney Davis responded to additional questions of Commissioners.

6. Consider renewal of a Retail Marijuana Cultivation License for PG Grow II at 7800 CR 152 in the Industrial Zone of Smeltertown

Planning Manager Roorda addressed the Board to consider renewal of a Retail Marijuana

Cultivation License for PG Grow II at 7800 CR 152 in the Industrial Zone of Smeltertown and responded to Commissioners' questions.

Commissioner Granzella moved to approve the renewal of a Retail Marijuana Cultivation License for PG Grow II at 7800 County Rd. 152 in the Industrial Zone of Smeltertown, Colorado State License # 403R-003-01. Commissioner Baker seconded the motion. The motion carried unanimously.

7. Consider a request for a Retail or Fermented Malt Beverage License Renewal Application for Independent Whitewater DBA Drift Inn. - Clerk Mitchell

Chair Felt addressed the Board concerning a request for renewal of a Retail or Fermented Malt Beverage License for Independent Whitewater dba Drift Inn.

Commissioner Granzella moved to approve the application requesting renewal of a Retail or Fermented Malt Beverage License for Independent Whitewater dba Drift Inn. Commissioner Baker seconded the motion. The motion carried unanimously.

8. Consider Southern Colorado Economic Development District Membership and Representation
Commissioner Granzella addressed the Board concerning Southern Colorado Economic Development District (SCEDD) membership and representation. Director Short responded to Commissioners' questions.

Commissioner Granzella moved to continue participation in the Southern Colorado Economic Development District (SCEDD), appoint Commissioner Granzella and Wendell Pryor as Chaffee County representatives, and pay dues. Commissioner Baker seconded the motion. The motion carried unanimously.

9. **11:00 a.m. Convene as 1041 Permit Authority**

Public Hearing - Continued from December 15, 2020 - Applicant: Nestle Waters North America Inc. **Location:** 12974 Hwy 24/285, Johnson Village, 22565 and TBD CR 300, Nathrop, lying in the S1/2 NE1/4, SE1/4 NW1/4, W1/2 SE1/4, and the SE1/4 SE1/4, all in Section 11, Township 15 South, Range 78 West, 6th P.M. **Zones:** Commercial and Rural **Request:** Ten (10) year extension of an existing 1041 Permit for a spring water production process, and associated transmission pipeline and loading facility.

All documents regarding this hearing may be found on the Chaffee County Public Notice website at <http://www.chaffeecounty.org/Public-Notices>

The Board recessed as the Board of Commissioners and convened at 11:00 a.m. as the 1041 Permit Authority for the above-referenced matter.

Chair Felt gave an update to the Board and public as to the status of this matter and the purpose of today's hearing.

Larry Lawrence, Natural Resource Manager of Nestle Waters North America (NWNA), 5772 Jarupa St., Ontario, CA, addressed the Board and introduced David Tulauskas, NWNA Vice President and Chief Sustainability Officer of NWNA, 2230 Carrollwood Ct., Birmingham, MI. Tulauskas addressed the Board regarding sustainability of packaging and related matters. Tulauskas and Lawrence responded to Commissioners' questions.

Commissioner Baker left this meeting at 11:30 a.m. for another meeting.

Attorney Tom responded to Commissioner's question regarding continuance of this hearing.

March 9, 2021 was set for the review of the NWNA annual report.

Commissioner Granzella moved to continue this Nestle 1041 permit renewal hearing to February 16, 2021. Commissioner Felt seconded the motion. Commissioner Baker was not present for this vote. The motion carried unanimously with Commissioners Granzella and Felt voting for the continuance.

Commissioner Granzella commented.

The Board of Commissioners recessed as the 1041 Permit Authority and recessed the meeting at 12:01 p.m. until 1:00 p.m.

E. Consent Agenda

Commissioner Baker moved to approve the Consent Agenda. Commissioner Granzella seconded the motion. The motion carried unanimously.

1. Pay Bills

F. Active Projects

Commissioners brought up and commented on some matters affecting the County.

Following this agenda item, the Board of Commissioners recessed the meeting at 10:31 a.m. until 11:00 a.m.

G. Adjourn

Commissioner Baker moved to adjourn the meeting. Commissioner Granzella seconded the motion. The motion carried unanimously. The meeting was adjourned at 1:50 p.m.

H. Potential Road Trip

Attest:



Lori Mitchell, County Clerk